

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

CAROLINA VASQUEZ,
INDIVIDUALLY AND AS NEXT
FRIEND OF TAMARA VAZQUEZ,
A MINOR CHILD
Plaintiffs,

VS.

NR 1 TRANSPORT, INC.,
AND WALTER J. DRAKE
Defendants.

CIVIL ACTION NO. 5:19-CV-32

**CONSENT TO ALLOW PLAINTIFF LEAVE TO FILE
FIRST AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff files this Consent to Allow Plaintiff Leave to File First Amended Complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, and in support thereof would show as follows:

A. INTRODUCTION

1. Plaintiffs are CAROLINA VAZQUEZ and her minor daughter, TAMARA VAZQUEZ; Defendants are NR 1 TRANSPORT, INC. and their driver, WALTER J. DRAKE.

2. Plaintiffs have filed suit alleging damages as a result of a motor vehicle collision occurring in Laredo, Webb County, Texas on November 12, 2018. In their Original Complaint Plaintiffs allege negligence on the part of Defendant DRAKE in the operation of his commercial motor vehicle and vicarious liability on the part of Defendant NR 1 TRANSPORT, INC. under the doctrine of Respondeat Superior.

Plaintiffs now seek leave to amend their complaint because more than 21 days have passed since Defendants served their answers.

3. Plaintiff originally filed suit in this court May 7th, 2019. Defendant was duly served with process filed its Original Answer on February 27th, 2019. Defendant NR 1 Transport, Inc. was served with process on in this case on March 26th, 2019. Both Defendants filed answers on April 16, 2019.

4. Plaintiff files this Consent to Allow Plaintiff Leave to File Amended Complaint to add two additional claims:

- a. a derivative damage claim for Plaintiff CAROLINA VAZQUEZ' husband, JULIO CESAR VAZQUEZ, for loss of past and future household services; and,
- b. a property damage clam for the total loss of Plaintiff's 2006 Ford Expedition in the subject collision and for the loss of use of the vehicle until a replacement could be obtained.

5. There is a Scheduling Order in place in this Cause. The deadline for all parties to amend pleadings is September 27, 2019 and the discovery deadline is November 1, 2019. The case has not been set for trial as of yet.

6. Defendant consents to allow Plaintiff to file her first amended complaint along with this consent. The amended complaint is being tendered to the Clerk contemporaneously herewith.

**KNICKERBOCKER, HEREDIA,
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By: /s/ Marco A. Salinas
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ATTORNEYS FOR PLAINTIFF

APPROVED:

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By: /s/ Robert A. Valadez
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ATTORNEYS FOR DEFENDANTS

Certificate Of Service

I certify that on July 3, 2019, I electronically filed the foregoing with the clerk of the court using the cm/ecf system which will send notification of such filing to the attorneys listed below that are registered CM/ECF users. For those attorneys listed below that are not registered users, a copy of the foregoing document has been sent by fax:

/s/ Marco A. Salinas
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Via CM/ECF

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